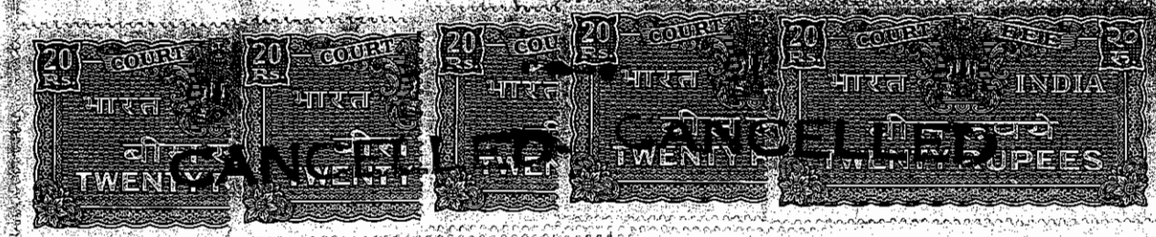

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IN THE HIGH COURT OF JUDICATURE : JABALPUR. cf 1001—

Writ Petition No. 4584 /1999.

PETITIONER : Kamal Kishore Dubey s/o Shri Mangaldeen Dubey, aged about 57 years, Government Servant working as Commercial Tax Officer presently attached to Office of Deputy Commissioner, Commercial Tax, Durg, resident of L.I.G.-2, Padamnabhpur, Durg.

- Versus -

RESPONDENTS : 1- State of Madhya Pradesh
R Through : Secretary,
Department of Commercial Tax,
Vallabh Bhavan, Bhopal.

R. 2- Special Police Establishment
Lokayukt Office, Raipur.
Through : Inspector.

S. 3- Additional Secretary,
Law & Legislative Affairs,
Department, Government of M.P.
Vallabh Bhavan, Bhopal.

Satya Kumar Khare
S. K. Khare
Commissioner JBP.

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, DIRECTION, ORDERS, PROHIBITIONS, ETC.

1- Particulars of the Petitioner : As above.

2- Particulars of the Respondents : As above.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No.4584/99 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31/10/2001

Shri Manindra Shrivastava, leqnned counsel for the petitioner.

Dr.N.K. Shukla, learned Dy.A.G. for the State.

Heard.

O R D E R

The only point urged before me today is that though the petitioner is alleged to have been involved in a crminal proceedings along with several other persons ~~in the proceedings launched against one Rajkumar Tiwari, the proceedings~~ proceedings against the main accused namely Rajkumar Tiwari. have been quashed in W.P.No.4485/98 in exercise of powers under Article 226 of the Constitution of India.

It is contended by Shri Manindra Shrivastava that in fact the writ petitioner is not even remotely connected with the alleged offence. Even assuming that some allegations have been made,as averred, it has been made a similar order should be made available with the writ petitioner. In other words, it is submitted that the order passed by this Court on 11/10/2001 in respect of Sudir Gupta vide W.P.No.2019/99, should squarely govern the case of the writ petitioner and the relief allowed in respect of ~~in~~ W.P.No.4485/98 and

[पृष्ठ देखिये

..2..

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

W.P.No.2019/99 should be made available to the writ petitioner.

Dr.N.K. Shukla, learned Dy.A.G. states that he represents only the State but the main respondent according to him is respondent no.2 - Special Police Establishment, Lokayukt Office, Raipur. It is stated by Shri Manindra Shrivastava, that SPC was alre... issued to the respondents. Further it is submitted that there can be no difference as far as the order is concerne... inasmuch as the aforesaid two writ petitions were disposed of after hearing counsel for the parties. I am of the opinion that no different order should be passed ~~inasmuch~~ as this writ petition. In other words, the orders passed as stated above should govern the case of this writ petitio... Dr.Shukla contends that L.P.A., was filed and the same is pending at Jabalpur, therefore, it is submitted that the order passed by this Court should ultimately be subj... to the decision of that ~~order~~ case. In my view it is open t... the respondents totake any proceedings as deemed fit in accordance with provisions of law.

As mentioned in this Court's order dated 11/10/200... passed in W.P.No.2019/99, no order of stay has been obtaine... in respect of LPA said to have been filed at Jabalpur.

After hearing Shri Manindra Shrivastava, learned

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

counsel for the petitioner and Dr.N.K. Shukla, learned Dy.A.G. for the State, I am of the opinion that it would be just and reasonable that this petition is also disposed of in terms of the order passed in W.P.No.4485/98. In other words, the order passed in W.P.No.4485/98 shall squarely govern the case of the petitioner.

In this view of the matter, the order passed on 11/10/2001 in W.P.No.2019/99 shall also be read in this case. The petition is accordingly disposed of. No costs.

Sd/-
Chief Justice